



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Idaho Fish and Wildlife Office

Northern Idaho Field Office

11103 East Montgomery Drive
Spokane Valley, Washington 99206



May 3, 2012

Mr. Earl Liverman
Federal On-Scene Coordinator
1910 Northwest Boulevard, Suite 208
Coeur d'Alene, ID 83814

Subject: Section 7 Consultation for the Avery Landing Site Removal Project (FWS Ref: 01EIFW00-2012-I-0209; CONS 100A)

Dear Mr. Liverman:

This responds to your April 5, 2012, letter referencing the Biological Assessment (BA) for initiation of consultation for the Avery Landing Site Removal Project (Project). Specifically, the U.S. Environmental Protection Agency (EPA) is initiating consultation for the section of the St. Joe River in Shoshone County, at Township 45 North, Range 5 East, Sections 15 and 16, Boise Meridian, Idaho. We understand that the EPA is requesting initiation of consultation to address potential effects of Project implementation upon bull trout (*Salvelinus confluentus*) and its designated critical habitat. Your letter was received in our office on April 9, 2012, and requested U.S. Fish and Wildlife Service (Service) concurrence with your determination of effect for bull trout and designated bull trout critical habitat.

As stated in the BA, the purpose of the proposed Project is to clean-up soil, groundwater, surface water, and sediment that are contaminated with petroleum hydrocarbons (i.e., diesel and heavy oil). Activities related to Project implementation will occur mid- to late May 2012, and will be completed in the fall of 2012. All riverbank work associated with the Project will be completed between July 15 and September 1, 2012.

The proposed Project will include excavation of the riverbank and upland area adjacent to the St. Joe River. An estimated 90,770 cubic yards of clean overburden will be excavated and used as backfill material. An estimated 57,000 cubic yards of contaminated material will be excavated and transported off-site for disposal at a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) approved facility. Excavations will extend to the bottom of the light non-aqueous phase liquid contaminated soil or to a minimum of approximately 2 feet below the seasonal low groundwater level, which is at an average depth of 17 feet below ground surface. The excavated upland area will then be backfilled and covered with approximately six inches of topsoil and vegetated with native vegetation once final grading is complete. The previously installed oil recovery system and oil containment barrier, as well as debris such as foundations from historical site operations, will be removed and disposed of at an appropriate facility.

Contaminated groundwater collected during Project implementation will be treated via an oil/water separator with carbon filter polishing, sedimentation tanks, granular activated carbon columns, and effluent holding tanks. A monitoring system will be implemented to ensure effectiveness of the treatment system in meeting applicable state and federal discharge criteria. If after filtration, results from water quality testing identify contaminants present above site cleanup levels and background surface water levels, additional treatment measures will be applied, which may include additional on-site filtration or disposal at a certified wastewater treatment plant. If water quality standards are met through the filtration process, then the treated groundwater will be discharged into the St. Joe River and/or allowed to passively infiltrate the soil.

Project implementation will also include 200 to 300 feet of riverbank excavation. Riverbank work will include excavation and off-site disposal of contaminated soil; removal and decontamination of existing riprap; and washing and/or replacement of disturbed riprap. Non-contaminated existing riprap will be removed and stockpiled for later use. Existing contaminated riprap will be removed and moved to an on-site geomembrane-lined treatment area to be steam cleaned and/or pressure washed to remove contamination. It will then be stockpiled and reused for riverbank reconstruction. Wash water from the contaminated site will be collected and then treated as previously described. To facilitate riverbank work activities, a temporary, portable coffer dam will be set in place by a crane or front-end loader on the stream-side of the existing bulkhead to exclude water from the excavation site. The coffer dam will be dewatered and contaminated material removed. After contaminated materials are removed, any backfilled and disturbed areas on the riverbank and upland sites will be graded and/or stabilized to prevent erosion and subsequent sediment delivery to the St. Joe River.

The BA states that best management practices (BMPs) specifically targeted to minimize sediment input into the river, and minimize the likelihood of leaks or spills from heavy equipment will be utilized. These include silt fences, hay bales, and other proven effective measures at controlling sediment input. Best management practices designed to minimize the likelihood of leaks or spills include daily inspection of fuel hoses, fuel drums, oil or transfer valves and fittings, and any motorized equipment used during Project implementation; as well as other proven effective measures described in the BA.

The proposed Project is situated within designated critical habitat for bull trout and the St. Joe River serves as a corridor for bull trout migrating to and from spawning and rearing areas in the upper St. Joe watershed. Implementation of the proposed action may result in short term increases in suspended sediment, noise, and turbidity. However, the expected impacts are not likely to significantly affect bull trout, as shoreline work will be completed between July 15 and September 1, 2012. As such, this component of the proposed action will occur during a time when bull trout are likely not present in the action area. Furthermore, to reduce potential for fish entrainment within the confines of the coffer dam, the structure will be constructed utilizing methods that will allow for slow dewatering, which will permit fish to vacate the cofferdam before the final section is set in place. Additionally, work conducted on the upland areas adjacent to the St. Joe River are not expected to significantly impact bull trout that may be in the area, due to BMPs described in the BA. Finally, Project implementation is not likely to significantly affect the ability of the St. Joe River to function biologically as a migratory corridor

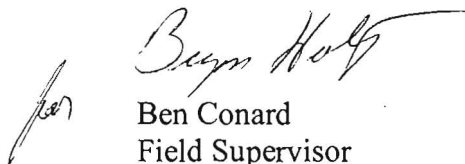
for bull trout. As a result, due to the minimal amount of disturbance, timing of the proposed Project, and use of conservation measures, potential short-term minor impacts to the species and its designated critical habitat that may occur as a result of Project implementation are expected to be insignificant.

We have reviewed the information provided and concur with your finding that the proposed Project "may affect, but is not likely to adversely affect" bull trout and its designated critical habitat. Concurrence by the Service is contingent upon implementation of the Project as described in the BA, as well as implementation of the conservation measures and BMPs identified in the BA.

This concludes informal consultation pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act). This Project should be re-analyzed if new information reveals that effects of the actions may affect listed species or critical habitat in a manner, or to an extent, not considered in this consultation; if the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation; and/or if a new species is listed or critical habitat is designated that may be affected by the Project.

If you have further questions about this letter, or your responsibilities under the Act, please contact Jay Martini of my staff at the above address (telephone: 509-893-8002; fax: 509-891-6748).

Sincerely,


Ben Conard
Field Supervisor

cc: IDFG, CdA (Corsi);
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